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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 09/415,673 | 10/12/1999 | HARMUT SCHON | 2754/MEINKE | 5149 |
| 26304 | 7590 | 11/04/2004 | | |
| KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585 | | | EXAMINER LEUNG, JENNIFER A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1764 | |

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/415,673

Applicant(s)

SCHON, HARTMUT

Examiner

Jennifer A. Leung

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,9 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,9 and 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment submitted on July 14, 2004 has been received and carefully considered. Claims 23 and 24 are newly added. Claims 3-8 and 10-16 are cancelled. Claims 1, 2, 9 and 17-24 remain active.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 9 and 17-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear as to the structural limitation applicant is attempting to recite by, "releasing heat... to a heat-transfer medium in the tube packets, *to water/steam*," in lines 5-6, as it is unclear as to whether the heat-transfer medium comprises "water/steam", and whether "water/steam" indicates water *or* steam, or water *and* steam. Furthermore, "collector (9)" and "collector (10)" (lines 9, 10, 12, 22-27) lack proper positive antecedent basis. Also, it is unclear as to the relationship between "collector (9)" or "collector (10)" and the "ring pipe" set forth in line 7, since the specification and drawings disclose that each of "collector (9)" or "collector (10)" is comprised of the ring pipe, whereas the claims appear to recite three discrete elements for the ring pipe, collector (9) and collector (10). Furthermore, "tube *bundles* (2)" (lines 24, 26-27), "the collector wall" (lines 24 and 26) and "the midline of the collectors (9)" (lines 25-27) each lack proper positive antecedent basis. Also, it is unclear as to the relationship

between the plural “collectors (9)” and the singular “collector (9)” set forth in line 9. Also, it is unclear as to the axis which defines “the midline of the collectors” in lines 25-27 (i.e., a horizontal midline or vertical midline) as well as its relationship with the reactor wall located between the two halves of the collectors in lines 12-15.

Regarding claim 2, “collector (9)” and “collector (10)” (lines 9, 11, 21-24) lack proper positive antecedent basis. Also, it is unclear as to the relationship between “collector (9)” or “collector (10)” and the “ring pipe” set forth in line 6, since the specification and drawings disclose that each of “collector (9)” or “collector (10)” is comprised of the ring pipe, whereas the claims appear to recite three discrete elements for the ring pipe, collector (9) and collector (10). Furthermore, “gas” (line 9), “the collector wall” (lines 21, 23) and “the midline of the collectors (9)” (lines 22-24) each lack proper positive antecedent basis. Also, it is unclear as to the axis which defines “the midline of the collectors” in lines 22-24 (i.e., a horizontal midline or vertical midline) as well as its relationship with the reactor wall located between the two halves of the collectors set forth in lines 11-14. Furthermore, it is unclear as to which collector (9) or (10) is referred to by “the collector” in line 19.

Regarding claim 9, it is unclear as to the relationship between “the ring pipe [that] terminates in a collection of distribution chamber and is mounted on *an interior of the reactor wall*” in lines 9-10 and “the distribution or collection chamber... placed on the reactor wall *both inside and outside*... assigned to the *interior of the reactor wall*... and... assigned to the *exterior of the reactor wall*,” in lines 11-16.

Regarding claims 23 and 24, “tube *bundles* (2)” lack proper positive antecedent basis. Furthermore, it is unclear as to which collector (9) or (10) is referred to by “the collector” in line

1. Also, it is unclear as to the axis which defines "the midline of the collectors" (i.e., a horizontal midline or vertical midline) as well as its relationship with the reactor wall located between the two halves of the collectors as set forth in claims 1 and 2.

Allowable Subject Matter

3. Claims 1, 2, 9 and 17-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

* * *

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Leung whose telephone number is (571) 272-1449. The examiner can normally be reached on 8:30 am - 5:30 pm M-F, every other Friday off.

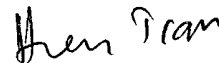
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn A. Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer A. Leung

November 1, 2004



**HIEN TRAN
PRIMARY EXAMINER**